



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – PACIFIC SOUTHWEST REGION
75 Hawthorne Street
San Francisco, CA 94105-3901

JUN 27 2019

CERTIFIED MAIL: 7015 3010 0000 3883 5147
RETURN RECEIPT REQUESTED
In Reply Refer to: ENF 3-2

Mr. Scott Miller, Esq.
Chief Corporate Counsel
Sims Metal Management
555 Theodore Fremd Avenue, Suite C-300
Rye, New York 10580

Re: United States v. Sims, Consent Decree 3:14-cv-04209 (12/1/2014)

Dear Mr. Miller:

I am writing to memorialize the agreement made between Sims Metal Management (Sims) and the U.S. Environmental Protection Agency (EPA) on May 29, 2019. The Consent Decree required that Sims provide EPA with a Sediment Remediation Plan (SRP) that included “an evaluation of various alternatives for removal of scrap metal and PCBs from the sediment in the [Sediment Sampling and Analysis Plan] sampling area, such as by dredging.” (Consent Decree, para. 19.) During our meeting, EPA and Sims agreed that the preferred remedial alternatives for the riprap and subtidal areas are the placement of a sand cap and micro-dredging (diver-assisted dredging), respectively, in the areas of highest constituent concentrations, as identified in EPA’s letters to Sims, dated August 23, 2018 and April 4, 2019.

In addition to employing the methods described above, and as emphasized in our April 4, 2019 letter to you, Sims must remain compliant with the TSCA requirements when considering the disposal of sediment contaminated with PCBs from the remediated area. I understand that on June 18, 2019, Sara Ziff and Rich Campbell discussed TSCA’s applicability to the anticipated sediment disposal activities with Meg Rosegay and provided her a useful reference tool (EPA’s TSCA Risk-Based PCB Cleanups Checklist).

EPA also appreciates Sims’ agreement to develop a standard operating procedure (SOP) to regularly maintain the riprap area that includes a routine maintenance schedule, inspection timetable, and sampling plan to ensure the preferred remedial method effectively stabilizes the pollutants that remain and prevent any further conveyance of them to waters of the U.S. We look forward to receiving the SOPs.

If Sims has any questions regarding this matter, please contact Lawrence Torres of the Enforcement and Compliance Assurance Division at (415) 947-4211 or Rich Campbell in our Office of Regional Counsel at (415) 972-3870.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristine Karlson', with a stylized flourish at the end.

Kristine Karlson, Acting Manager
Water Enforcement Section II

cc: Meg Rosegay, Esq.